Development (1937) Department.

Ms SERIES.

G.O. No. 1572

DATED 14/7/1937

[Despatch Abstract.]

Fisheries

Petition – Koovayya Y., a teacher in the Fisheries department – Arrears of pay – Payment Sanctioned.

5069
Dev. 5069
14.11.36.

To

The Secretary,

Government of Madras,

Development Department,

M a d r a s.

Dev. Dept.

To A.S.

The copy submitted through the proper channel may be annexed to M.M 20.12.36

B 28/11/36 BR 24.11.36 RR 25/11

The memorial submitted by T.Hoovayya, Head-master, employed in the Fisheries School, Hoige Bazaar, Mangalore.

Most Respectfully Sheweth:-

(1) That your memorialist is one of the teachers employed under the Fisheries Departement at Hoige Bazaar, Mangalore, and under G.O.No.1433-Development, dated 16th October 1935, the memorialist's pay ought to have been fixed on the basis of his previous service in the scale of Rs. 20-1-30 from 1st August 1928. Though the memorialist finished his Fisheries Course in 1927 and re-joined duty instead of fixing his initial salary at Rs. 22/-, which he was drawing previous to this training he was paid only Rs.15/- till 31-7-1928 when his pay was raised to Rs. 20/-.

(2) That Government will be pleased to see that on memorialist qualifying himself in Fisheries course, his pay was wrongly fixed at Rs.15/- in utter disregard to the instructions contained in G.O.No.1065, d/-28-7-1934.

(3) That while Government are pleased to say definitely in their G.O.No.1433-Development, dated 16th October 1935, to fix the pay on the basis of previous service on the scale of Rs. 20-1-30, memorialist fails to

understand how the Accountant-General could opine that the teachers are not entitled to arrears of pay before the date of the G.O. No 1433 Dev of 16-10-1935.

The G.O. referred to above, memorialist humbly submits is explicit and there can be no doubt that memorialist is entitled to his pay being fixed from 1-8-1928 on the basis of memorialist's previous service in the scale of 20-1-30. The plea that Government have not sanctioned the payment of arrears from 1st. August 1928 cannot be taken to act against the memorialist because no sanction was sought for.

The Government in directing as above, memorialist humbly submits, could not have meant anything else, other than sanctioning the arrears when the necessary sanction was applied for. The order of the Government is couched in mendantary terms and not in discretionary manner. Government have treated with consideration other teachers, similarly handicapped namely T.Muthappa, U.Thaniappa and Menakan in 1933 in this G.O.No. Mis.1065, dated 28th July 1934.

Memorialist has suffered great injustice and suffered also financially for no fault of his and in these circumstances prays most humbly, Government may be pleased to direct the Assistant Director of Fisheries (Coast) Calicut to give effect to G.O. No.1433 of 16th October 1935 fixing memorialist's pay. For which act of justice and kindness, memorialist will ever feel grateful.

Mangalore,
9- 11- 1936.

Memorialist.

A Copy has been submitted through the Proper channel.

Dc. 2941.

O. M. No. 5069 I/38-1 dt 6-1-37

Ref:- Memorial from Y. Hanumayya, Head master, Sanskrit Sch in the Fisheries School, Hoige Bazar, Mangalore dated 9.11.36 - Submitted through proper channel.

The attention of the D. F. is invited to the memorial referred to above and he is requested to state when it may be expected with his remarks.

5-1

5-1-37

5-1-37

To the D. F.

6

C.F. 30.

Fisheries **DEPARTMENT.**

Received 16 Jan 1937 19 . *Registered* Dev. 22, 1 I 19

16.1.37

Subject.

Education - Schools - Establishment - Teacher

Y. Hoovayya - Petition.

ENCLOSURES.
No. One
memorial
Spare copies Four

No. 3600 C/36-1

Station Madras, *Dated the* 15th January 1937

From (Name) Dr. B. Sundara Raj, M.A., Ph.D.,

(Designation) Director of Fisheries.

To The Secretary to the Government of Madras,

Development Department.

Fort St. George.

Sir,

I enclose a memorial dated 9-10-1936 from Y. Hoovayya addressed to the Secretary to Government, Development Department.

(N). 2. In G.O.No. 1433 Mis. Dev. dated 16-10-1935 the Government have ordered that the pay of P. Kalappa and Y. Hoovayya from 1-8-1928 should be fixed on the basis of their previous service. Hovayya's pay was accordingly fixed at Rs.22/- a month from 1-8-1928 and a bill for arrears of pay of Rs.78/- for the period from 1-8-1928 to 31-10-1931 was sent to the Accountant-General for pre-audit with the Assistant Director (Coast) ~~of Fisheries~~'

letter

letter dated 29-6-1936. The Accountant-General has however stated that the Government order quoted has no retrospective effect and that therefore only arrears of pay from 16-10-1935 is admissible to the teacher, — vide copy of his endorsement T.10, Ind.330 dated 9-7-1936 enclosed. From 15-2-1932 Y. Hoovayya was promoted to the Higher elementary grade in the scale of Rs.25-1-50 and there is no arrears of pay to be drawn for him from the date of the G.O., viz., 16-10-1935. The teacher now prays that the orders of Government quoted above may be given retrospective effect.

I have the honour to be,

Sir,

Your most obedient servant,

B. Sambasiva Rao

Director of Fisheries.

6

-8-

Copy of Endt. No. T.10/Ind-330 dated 9-7-1936 of the Accountant-General, Madras.

In G.O. No. 1433 Ms. Dev. dated 16-10-35, copy enclosed by you, Government have ordered that the pay of the teachers Hoovaya and Kalappa from 1st August 1928 should be fixed on the basis of their previous service in the scale of Rs.20-1-30. Since Government have not sanctioned the payment of arrears from 1-8-1928 the teacher will be entitled to arrears only from the date of the G.O., viz., 16-10-1935. The bill may please be revised accordingly and resubmitted through the Treasury officer, Malabar, so that he may note the number of voucher in the statement attached to the bill. The enclosures are returned herewith.

9

C.F. 30.

FISHERIES **DEPARTMENT.**

Received 22 JAN 1937 19 . *Registered* Dev. 369 I 19
22.1.37

Subject.

Education - Schools - Establishment - Petition from teacher Y.Hoovayya -

ENCLOSURES.
No.
Spare copies

No. 3600C/36-2

Station Madras., *Dated the* 20th January 1937

From (Name) Dr.B.Sundara Raj, M.A., Ph.D.,
(Designation) Director of Fisheries.

To The Secretary to the Government of Madras,
DEVELOPMENT Department.

Sir,

Ref:Development Memo.No.5049-I/36-1 dated 6-1-37.

The Memorial of Y.Hoovayya referred to in the Memo quoted above was submitted with my letter No.3600-C/36-1 dated 15th January 1937.

I have the honour to be,
Sir,
Your most obedient servant,

for Director of Fisheries.

S.A.

10

Dev. Dept.

O.M. No. 5049 D/80-3 dt 27-2-37

20/27 dt 27/

46-7 CF

Ref:- D.F.'s letter
No 3600-C/80-1 dt 15-1-37
Petition from M. Y. Narayana
Teacher - Arrears of
pay.

The D.F. is requested
to state whether the
revision of the pay in the
scale of Rs. 20-1-30 of the
petitioner with reference to
the orders in G.O. No. 1433
Dev. dt 16.10.35 involves
the revision of ~~pay~~ his
initial pay in the scale
of Rs 25-1-50 to which
he was promoted from
15.2.32.

(N)

'A' on p. 7 CF

dt 1.3.37

To The D.F.

ER received
2.4.37

RR
26/2/37

25/2/37

A.O.
27.2.37

FISHERIES DEPARTMENT.

Received ..... 19 . *Registered* Dev. 1385 I 19
10.4.37

Subject.

Establishment - Education - Teacher Y.Hoovayya - Arrears of pay

ENCLOSURES.
No. .....
.....
Spare copies .....

No. 3600-C/36-4

Station Madras., *Dated the* 8th April, 19 37.

From (Name) Dr.F.H.Gravely, D.Sc.,
(Designation) Director of Fisheries.

To The Secretary to the Government of Madras,
DEVELOPMENT Department.

Sir, 1.10 course

Ref:Development Memo.No.5049-I/36-5 dated 27-2-37.

By virtue of his promotion to the Higher Elementary Grade with effect from 15th February, 1932, Y.Hoovayya would start on the initial pay of Rs 25/- in the scale of Rs 25-1-50 on 15th February, 1932. At the time of the issue of G.O.No.1433 Ms.Development dated 16th October, 1935, Hoovayya had already passed into the Higher scale. His grievance is that by the Accountant-General's ruling, his pay has not been fixed from 1st August 1928 on the basis of his previous service in the scale of Rs 20-1-30 as ordered in the G.O. If his request is allowed he should be paid as

follows:-

From 1-8-28 to 31-7-29 at Rs 22 p.m. as against Rs 20 p.m. paid.
From 1-8-29 to 31-7-30 at Rs 23 p.m. as against Rs 21 p.m. paid.
From 1-8-30 to 31-7-31 at Rs 24 p.m. as against Rs 22 p.m. paid.
From 1-8-31 to 14-2-32 at Rs 25 p.m. as against Rs 23 p.m. paid.

It will thus be seen that the revision of his pay in the scale of Rs 20-1-30 does not involve the revision of his initial pay in the scale of Rs 25-1-60.

2. I may also add that the case of Hoovayya applies mutati mutandis to P.Kalappa.

I have the honour to be,

Sir,

Your most obedient servant,

F. H. Gravely.
Director of Fisheries.

S.A. 8

Dev. Dept.

Fisheries. Establishment - Petition from Mr. Y. Hoovayya. - Arrears of pay

Pth 4-5 CF (Petition from M Y. Hoovayya dt 9 (1. 36)

Pth 6-7 CF (From the D F No. 2600-C/36-1 dt 15 (1 37)

To A.S.

Please see the petition from Mr. Y. Hoovayya, Headmaster, Fisheries School, Bunder Bazaar, Mangalore, at Pth 4-5 CF and the remarks of the D. F. thereon at Pth 6-7 CF.

A reference is in this connection invited to the notes at Pth 18-19 of G.O. No. 1433 Dev. dt 16.10.35. According to these orders the petitioner is entitled to draw Rs. 22/- with effect from 1.8.28. The bill ~~submitted~~ forwarded by the D. F. for arrears of pay for the petitioner was disallowed by the A. S. on the ground that specific sanction for payment of arrears of pay was not accorded. But the orders in G.O dt 16.10.35 seem to imply that the petitioner is entitled for arrears of pay. The remarks of the Finance Dept. may be invited.

(N)

(N)

vide Pth 6 CF

Pth 8 CF

B
11/2/37 SO
12.2.37

& 14

The intention seems certainly to be to pay the leaseholders arrears from 1.8.28. Finance for remark

RS
-12.2.37) Finance

2.4. Dev. No. 5049/28-2 (13.2.37)

5755-cfn

Finance (28 RS)

Please see the notes on pages 18-21 and the orders on pages 24 & 25 of G.O. 1433 Dev. dt. 16.10.35. (N).

The pay of Mrs. Hoovayya was fixed from 1.8.28 on the basis of his previous service in the Scale of Rs. 20-1-30. The Director of Fisheries accordingly fixed his pay at Rs. 22/- from 1.8.28 to 31.10.31 and sent in a bill for arrears of pay from that date but the A.G. returned the bills stating that arrears of pay can be allowed only from 16.10.35, the date of the G.O. referred to above. (N)

M 6-7 CF

2: The question whether arrears of pay should be paid and from what date was not specifically considered at the time in G.O. 1433 Dev. dt. 16.10.35. The

Cf A above (N)

The general principle adopted in paying the arrears in such cases is to limit the payment to a period of one year prior to the date of detection of the underpayment. Even if the date of detection of the underpayment is taken in this case as 20.10.34, the date of the first petition of Hoovayya, arrears may be allowed only from 20.10.33. As, however, Hoovayya was promoted to a post on Rs 25-1-50 with effect from 15.2.32, the question of paying arrears in respect of the original post on Rs 20-1-30 does not arise.

3 It is not clear whether the revision of the pay of Hoovayya in the scale of 20-1-30 with reference to G.O. 14433 Devt dt 16.10.35 involves the revision of his initial pay in the scale of Rs 25-1-50, to which he was promoted from 15.2.32. If any arrears of pay become payable on this account, arrears may be allowed for a period of one year from the date of the G.O. cited above. Devt may (be requested to) call for further particulars on the point, if they desire to pursue the question of arrears further.

(N) (Dir of Fisheries office has no information on this — ascertained on phone)

ASSISTANT SECRETARY TO GOVERNMENT 25 FEB 1937 DEVELOPMENT DEPARTMENT

25/2/37

GS/24.2.37

Fin No: 5755-1c87
24.2.37

Rev.
20.2.37

Dw: 885 I
25-2-37

Dev. Dept.

To A.S.

Please see the Finance Dept. note at ff. 2-3 supra. With reference to para 3 of that note a draft O.M. to the D.F. is submitted for approval.

RC 24.2.37

Sme

B 25.2.37

S.D.T. 25.2.37

(Drawn as O.M. No. 5049-I/BB-38 dt 27.2.37) fr 12 ff

(From the D.F. No. 3600-C/BB-4 dt 8.4.37) fr 11 CF

To A.S.

Please see the O.M. to the D.F at f. 10 ci. and his reply at ff 11-12 CF. The information was called for with reference to para 3 of the Finance Dept. note at f. 3 supra. The D.F. states that the revision of pay of V. Hoovarayya in the scale of Rs. 20-1-30 with reference to R.O No. 1433 Dev dt 16.10.35 does not involve revision of his pay in the scale of Rs 25-1-50. So the question of arrears of pay on this account does not arise.

2. In order whether the Finance Dept's view expressed in para 2 of their

X 17

note may be accepted.

yes - Draft.

RR
14.4.37

Or

B
12 4 37 Hair
14.4.37

To A.S.

A draft order is submitted for approval.

RR. S.
16.4.

Or 15th

B
14 4 37 Hair
15.4.37

I feel that in the matter of underpayment there should be no limitation whatever. Will Finance please provide authority for A in p 3 ante?

CO
19.4.37.

D. 5049 I/36-4
20-4-37.

UNDER SECRETARY TO GOVT. 26 APR 1937 FINANCE DEPARTMENT

Fin' 4/6

Finance (CSR)

The statement at A on page 3 ante was made with reference to discussions recorded on pages 17-20 of F.D. 334 Fin. dt 17.7.36. The case may be returned to Dept.

Cst/24/4/37.

Rw.

(18)

22 APR 1937 FINANCE DEPT.

The wording portion N

on 19 (F)

DEPUTY SECRETARY TO GOVERNMENT 20 APR 1937 FINANCE DEPT.

D 1537 I
27.4.37 Fin No. 13082 CSR I

Dept

23.4.37

Lang
23.4.37

~~2-18~~

DSW.

Submitted:

KK
27.4.37

I venture to suggest that this is a case for full reimbursement as contemplated in Mr Jones's note at page 19 ante (F). The under-payment was ~~not~~ clearly not due to this poor teachers carelessness or neglect and it would be unjust to refuse his claim. Will Finance kindly reconsider?

CW
28.4.37

C

Finance c/o

Edn 2469/36-5

Finance (CSR)

Please see the note of this dept. in para 2 on page 2 ante and the above remarks of the Secretary, Development dept.

In the note of Finance Secretary on page 19 of Edn. 334 Fin. dt 17-7-36, it is stated that if the officer was clearly not in a position to be aware of his first dues

14135 CR

(F)

N on p. 19 (F)

there might be a case for reimbursement in full. The Secretary also remarked that if, however, normal limits were considered desirable, it might be prescribed ..... that reimbursements would not ordinarily be allowed of underpayments made more than one year prior to detection. H.M. C4 stated that he was against any rigid time limit though the limits proposed (by Finance Secretary) were reasonable as a working basis for the consideration of ordinary cases.

Page 20 (F)

Since the above decision, all cases of overpayments and underpayments have been dealt with in the light of the limits adopted as a working basis. It seems that, in all ordinary cases, the limits will have to be applied. An exception can no doubt be made if the circumstances of a case are special, but there seems to be nothing special in this case and in that of Kalappa, who has also to be accorded the same treatment — vide para 2 on page 12 C.F. These two men qualified themselves fully in 1928 and there was nothing to prevent them from moving in the matter immediately when their pay was fixed at less than what they were previously drawing. They,

Cf A on pages 3 & 5 of (N)

A

& DO/

however, waited for over six years and then submitted petitions to Govt. If these cases are considered exceptional, it seems doubtful whether it will be possible to treat any other cases as normal to which the limit of one year may be applied . .

In view of the above, it is submitted for orders whether Finance may adhere to the view already expressed.

GB/10/5/37

GB/10/5/37.

Dev.

Dev. Secy.

Dept
Fin No. 14135 C&R-1
10.5.37

17151
14.5.37

To A.S.

May be submitted to Secretary for
with reference to this note at page 6 supra.

UNDER SECRETARY TO GOVT.
13 MAY 1937
DEVELOPMENT DEPARTMENT

It is not equitable, nor even Charitable to deny this poor teacher his arrears of salary amounting to Rs 78/-, for the reasons advanced by Finance The point is now for orders.

I entirely agree with this Secy that it is not legitimate to deny this poor man his arrears of salary.

H M (Dev) M.C.R 18/5/37

H M (Fin) —N.A.

H. Chief Minister MR 11.6.37

Hard case perhaps, but nobody prevented them from applying earlier. There is no case for deviating from the principle of arrears being restricted to one year

ASP
28.5.37

Rec'd 12/6

To A.S

This may be submitted to Secretary for orders of further circulation with reference to Rule 12 (2) of the Business Rules.

Reference is however solicited to Rule 2 (c) of the Secretariat Instructions.

12/6/37 KAR

12.6.37

This is a pay case. It does not come under the provision of Rule 12(1) and so there is no need to refer this to the Council of Ministers at this stage.

Hon'ble draft order in accordance with the orders of Hon (DW) and the Chief Minister is sent.

12/6/37

Finance, Rev Dept.

16.6.37

Fin u/o

Finance (CSR)

May be perused and returned

24.6.37

RW

vide Rule 7 (ii) of Hdl-2 of Business Rules.

Cl. 3 of the Business Rules (not printed)

Vide also Secretariat Instruction 29 (c) on p. 29 of the Business Rules (not printed)

18340 CSR

18340 C

DEPUTY SECRETARY TO GOVERNMENT
16 JUN 1937
FINANCE DEPT.

UNDER SECRETARY TO GOVT
25 JUN 1937
DEVELOPMENT & EXPANSION

Fin. 50 49 I/36

16-6-37

18 JUN 1937
FINANCE DEPT.

Fin no 18340 CSR/I
24.6.37

D. 2172 I
28.6.37

To Dept.

24.6.37

22.6.37

22 ke

Dev. Dept.

To A.S.

Please see the Finance Dept. note at fr. 9 supra.

2. The case may now be circulated with reference to Instruction 29 (c) of the Sectt. Instructions. fr. 29 of the Punjab Rules (non-print wh).

RR 29/6/37

B 28/6/37 Fin 29/6/37.

Recd 29/6

Draft below is for perusal.

Cir 30-6-37

Rec'd 1-7

H.M (Fin) 13.7.'37

Rec'd 2-7

Issue RK 1/37

23

29/7/37 Date. Initials.

C.F.16.

Dev. Dept.

DRAFT FOR APPROVAL.

SUBJECT:—

Fisheries

Petition — Hoorayya Y, a teacher in the Fisheries Dept — Arrears of pay — Payment — Sanctioned.

When received for fair copying ..		
When copied ..	14.7	
When examined..		
When signed ..		
When despatched.	(N)	

READ AGAIN Lr. 1433 (14) Dev, dated 16-10-1935

" " " 19

READ *ALSO*:—

No. 5049/36 From the Y. Hoorayya teacher, No. —, dated 9-11-1936 Pl. 1-2 C/-

" 241D/37 " Pt. D.F. " 3600-C/ " 15-1-1937 Pl. 6-7 "

" 1385D/37 D.H. to Pt. D.F. " 5049/36 Pl. 3 " 27-2-37 " 10 "

" 1385D/37 from Pt. D.F. " 3600-C/36-4 " 8-4-1937 Pl. 11-12 "

Order ~~Resolution~~ Ms. ~~Rent.~~ No. 1577, dated 14-7-1937.

The Govt. are pleased to sanction, as a special case, the payment to Y. Hoorayya, a teacher in the Fisheries Dept., of Rs 78/- (rupees seventy eight only) representing the arrears of pay due to him for the period from 1-8-1928 to 31-10-1931

Cf para 2, p. 6 C/- and Secretary's note on p. 8 N.F.

To The D.F.

A.G. thro' Fin. Dept. (Ad.)

Fin. Dept.

RR 14/7/37

14/7/37

Fin. Dept. 15/7/37

14/7/37.